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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,388	09/27/2001	Joji Mishina	086142-0485	9466

22428 7590 09/11/2003

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

JILLIONS, JOHN M

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

<b>Office Action Summary</b>	Application No. 09/963,388	Applicant(s) MISHINA ET AL.	
	Examiner John M. Jillions	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>10</u> . | 6) <input type="checkbox"/> Other: _____                                    |

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### DETAILED ACTION

1. Failure to copy the suggested claim as per the previous Office action is an acknowledgement that the subject matter of the claim constitutes prior art under 35USC102(g) to the applicant.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

3. Claims 1-5, 7-9, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al. The device of Ono et al appears to anticipate the claimed invention, see Figs. 7A, 7B, col. 8, lines 45-67, and col. 9, lines 1-5. The ridges 21 of Ono et al can be formed on the hole of the reel or bobbin, Fig. 7A-B; on the outer surface of the bobbin coupling portion 2a of the torsion bar 2 (col. 8, lines 57-60); or on the coupling portion 8 (inside of the hole 8a) of the locking ratchet wheel 5 that is connected to the torsion bar portion 2b (col. 9, lines 2-5).
4. Claims 1, 3, 7, 9 and 15 are further rejected under 35 U.S.C. 102(g) as being clearly anticipated by claim 1 of Inagawa et al (the subject matter disclaimed by applicant).

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 10-12, 14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. With respect to claim 6 it would have been obvious to one of ordinary skill in the art that the ribs or ridges 21 of Ono et al could have been formed on the end of the torsion bar 2b connected to the locking mechanism inasmuch as Ono et al discloses that the ribs could have been formed in the holes of the bobbin or locking mechanism or on the torsion bar end 2a connected to the bobbin. One of ordinary skill in the art would readily recognize that the ribs could have also been formed on the torsion bar end connected to the locking mechanism in view of the other disclosed alternate locations of the ribs. Regarding claims 10-11 the particular manner of the making the ribs is of no patentable import in an article type of claim, but in any event the use of a punch to form a rib would have been obvious to one of ordinary skill in the art since such punching is old and well known in the metal working arts, whether to form ribs or indentations, and the examiner takes official notice of same. With respect to claim 12 the particular shape of the ribs whether arc-shaped as claimed or any other well known shape would have been an obvious design consideration to one of ordinary skill in the art since many different shapes could have been used to accomplish the same function as the triangular shape of Ono et al, and would have been readily recognized by an ordinarily skilled person in the art, and of no critical importance. With respect to claims 16-17 the same can be said of whether the ribs are

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projectingly tapered. That is, one of ordinary skill in the art would have considered just about any shape that would function to provide a friction fit, including tapering ribs. No criticality has been shown by applicant by the various shapes of the ribs.

7. Claims 2, 4-6, 8, 10-14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over claim 1 of Inagawa et al in view of Ono et al. It would have been obvious to one of ordinary skill in the art to form the ribs of Inagawa et al on the torsion bar at either end thereof or on the bobbin or reel hole as taught by Ono et al, in order to prevent backlash between the bobbin and torsion bar, or as an obvious alternate way of preventing backlash between the torsion bar and locking mechanism. The particular shape and tapering of the ribs would have been obvious to one of ordinary skill in the art for the reasons noted in the paragraph above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Jillions whose telephone number is (703) 308-2685. The examiner can normally be reached on M-F 9:15 - 5:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
John M. Jillions  
Primary Examiner  
Art Unit 3654

jmj